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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,628	11/16/1999	GREGORY H. PETRAK	39661.830001	4716

20686 7590 10/23/2002

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EXAMINER

LUONG, VINH

ART UNIT	PAPER NUMBER
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3682

23

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/441,628

Applicant(s)

PETRAK

Examiner

Luong

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/22/02
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, and 22-83 is/are pending in the application.
- 4a) Of the above, claim(s) 81-83 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 22-41, 45-51, 54-56, 60-74, and 78-80 is/are allowed.
- 6) ☒ Claim(s) 42-44, 52, 53, 57-59, and 75-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/16/99 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 1/8/01 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

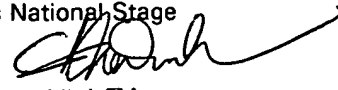
- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____


Vinh T. Luong
Primary Examiner

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1. Applicant's election without traverse of the species of Figs. 1-15 in Paper No. 6 of parent application is carried over to the instant Continued Prosecution Application.

2. Claims 81-83 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention. Election was made **without** traverse in Paper No. 6.

3. The interlineations or cancellations made in the specification or amendments to the claims could lead to confusion and mistake during the issue and printing processes. Accordingly, the portion of the specification or claims as identified below is required to be rewritten before passing the case to issue. See 37 CFR 1.125 and MPEP § 608.01(q).

All of the pending claims are required to be rewritten.

4. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on January 8, 2001 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

5. The drawings are objected to because the drawings must not use different referential numerals to indicate the same thing or *vice versa*, e.g., applicant uses different referential numerals 40 and 64 to indicate the same connector clip as seen in Fig. 1. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The disclosure is objected to because of the following informalities: the disclosure must not use different referential numerals to indicate the same thing or *vice versa*, e.g., applicant uses different

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referential numerals 40 and 64 to indicate the same connector clip as seen on page 9 *et seq.* of the specification. Appropriate correction is required.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 42-44, 52, 53, 57-59, and 75-77 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms, such as, "generally" in claims 42, 43, 57, 58, 75, and 76, and "approximately" in claims 44, 59, and 77 are relative terms which render the claims indefinite. These terms are not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear, *e.g.*, in claim 42, what range of the first tension level is required so that it is considered as being "generally between 160 and 250 pounds."

Claim 52 is indefinite since it is dependent upon itself.

9. Claims 1, 2, 22-41, 45-51, 54-56, 60-74, and 78-80 are allowed.

10. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

11. The following is a statement of reasons for the indication of allowable subject matter:

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The closest prior art Dussault (US Patent No. 4,569,112) teaches a connector clip 161 (Fig. 10) having first and second ends 163 and 165 (Fig. 10) and a shear member 159 (or 27. See line 43 et seq., column 5), a front cable strand 7, 1' having first and second ends, the first end attached to the brake lever 5 (Fig. 9). However, Dussault does not teach the second end of the front cable strand 7, 1' engaging one of the shear member 159 and the first connector clip end 163 as claimed in claims 45 and 63. In fact, Figs. 9-11 of Dussault show that the connector clip and the shear member are attached to the rear cable strand 11 or 21, meanwhile, the second end of Dussault's front cable 7, 1' is attached to an actuating member 173. There is no suggestion to attach the second end of Dussault's front cable as claimed.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Luong whose telephone number is (703) 308-3221. The examiner can normally be reached on Monday-Thursday from 7:30 AM EST to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci, can be reached on (703) 308-3668. The fax phone number for this Group is (703) 305-7687. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Luong

October 15, 2002



Vinh T. Luong
Primary Examiner